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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/751,189	12/29/2000	Daniel B. Stewart	120-309	8529

34845 7590 04/06/2007  
McGUINNESS & MANARAS LLP  
125 NAGOG PARK  
ACTON, MA 01720

EXAMINER
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JACOBS, LASHONDA T

ART UNIT	PAPER NUMBER
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2157

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/06/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

09/751,189

Applicant(s)

STEWART ET AL.

Examiner

LaShonda T. Jacobs

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on January 17, 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-4, 19-22, 36 and 45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 19-22, 36 and 45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Amendment*

This is a Final Office Action in response to Applicants' Amendment filed on May 30, 2006.

Claims 1, 19, 36 and 45 have been amended. Claims 1-4, 19-22, 36 and 45 are presented for further examination.

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4, 19-22, 36 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Skene et al (hereinafter, "Skene", U.S. Pub. 2001/0049741) in view of Hejza (U.S. Pat. No. 6,577,628).

As per claims 1, 19, 36, and 45, Skene discloses a method, apparatus and readable medium, associated with a domain name system server, of controlling the transfer of information via a network, said method, apparatus and readable medium, comprising:

- receiving, from a client device, a request for a network address that is associated with a service (paragraph 0046); and
- transmitting, to said client device, said respective network address so that said client device may transmit at least one service request associated with said service to the

respective server associated with the respective network address (paragraphs 0047-0048 and 0050).

However, Skene does not explicitly disclose:

- the request including a client identifier and a service authorization handle comprising authorization information for indicating that the client is authorized for a level of service for handling of the request; and
- selecting, in response the service authorization handle, a respective network address from plurality of network addresses each of which corresponds to a corresponding of a plurality of servers that are available to provide said service.

Hejza discloses a method and apparatus for providing a quality of service in a network environment comprising:

- the request including a client identifier and a service authorization handle comprising authorization information for indicating that the client is authorized for a level of service for handling of the request (abstract, col. 7, lines 1-7, lines 19-21, lines 63-64 and col. 10, lines 6-10); and
- selecting, in response the service authorization handle, a respective network address from plurality of network addresses each of which corresponds to a corresponding of a plurality of servers that are available to provide said service (abstract, col. 7, lines 1-7, lines 19-21, lines 63-64 and col. 10, lines 6-10).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Skene by associating a service level with a user to provide quality

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of service in a network environment in order to off clients various levels of service at different price points.

As per claims **2** and **20**, Skene further discloses:

- receiving, from at least one further server, an indication that said further server is available to receive requests associated with said service (paragraph 0053); and
- incorporating said network address of said further server into said plurality of network addresses (paragraph 0053).

However, Skene does not explicitly disclose:

- an authorized level of service.

Hejza discloses a method and apparatus for providing a quality of service in a network environment comprising:

- an authorized level of service (abstract, col. 7, lines 1-7, lines 19-21, lines 63-64 and col. 10, lines 6-10).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Skene by associating a service level with a user to provide quality of service in a network environment in order to off clients various levels of service at different price points.

As per claims **3** and **21**, Skene discloses wherein said indication includes at least one of:

- a network address of said further server, said service and authentication and non-repudiation information (paragraph 0053).

As per claims **4** and **22**, Skene further discloses:

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- transmitting, to a database, a request to determine whether said client device is associated with at least one quality of service level (paragraph 0097);
- receiving, from said database, a response to said request (paragraph 0093); and
- selecting said respective one said plurality of network addresses based on said response (paragraph 0093).

However, Skene does not explicitly disclose:

- service authorization handle.

Hejza discloses a method and apparatus for providing a quality of service in a network environment comprising:

- service authorization handle (abstract, col. 7, lines 1-7, lines 19-21, lines 63-64 and col. 10, lines 6-10).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Skene by associating a service level with a user to provide quality of service in a network environment in order to off clients various levels of service at different price points.

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1-4, 19-22, 36 and 45 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LaShonda T. Jacobs whose telephone number is 571-272-4004. The examiner can normally be reached on 8:30 A.M.-5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LaShonda T Jacobs  
Examiner  
Art Unit 2157

ltj  
March 27, 2007

  
ARIO ETIENNE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100